The Builder.

No. CIX.

SATURDAY, MARCH 8, 1845.

THE applications made to us for information on various points in the Metropolitan Buildings Act are still so numerous, as to lead us to believe that a large proportion of our readers are greatly interested in the subject. The inquiry, When may we omit sending for the district surveyor? has been repeated, it is hardly necessary to say, oftener than any other. One correspondent, a respectable builder, whose letter represents a dozen others now before us, asks:—

"Can you inform me, if it is really necessary that notice should be given to the district surveyor of such trifling works as the following, viz.: in fixing a kitchen range, for instance, it is generally necessary to *cut or bore a hole through the jamb*, to lay on the service from the feeding cistern; another case is, that of laying on service-pipes or gas-mains to houses, where it is often necessary that the pipes should be carried *through the walls*? Surely no district surveyor would compel the giving of notice in such cases, although I am well aware the wording of the Act is very strong, *two* days' notice being required to be given, sec. 13, '*before any party wall, external wall, chimney stack or flues, shall be begun to be built, pulled down, rebuilt, cut into, or altered.*' Another case of far greater importance, is that respecting chimney-tubes, &c., above four feet high. Schedule F states that all such pots, tubes, &c. 'shall be fixed two feet at the least into the brick or stone-work of the flue;' now if I make my tubes so as to *slip down two feet into the flue*, is it necessary that I give notice to the district surveyor before so doing? This appears to me to be a point of great importance to the building trade, and I trust will soon be settled officially. It appears to me it can never be meant *that in all such trifling cases* notice must be given, and a (I will not say the) fee paid, as in many cases the fee would be far more than the value of the work done, and what for? It would simply have the effect of increasing the fees of the district surveyor, without any adequate advantage to the public, who would have to bear the expense, which, in very many cases, would be equal to the *poor rates*. In order that these, and many other points of such great importance to the builder, should be settled without delay, I would suggest that a society be formed by the builders for their protection; for should a difference arise between the builder and the district surveyor, it would be well that such a matter should be settled at once, and that the best advice should be had. It would fall hard on a single individual to be put to the expense and inconvenience of settling points which concern the trade; besides, the district surveyors have a society of their own for that purpose."

We referred to the points raised in the foregoing letter in our leading article of January the 25th (p. 37 *ante*), and expressed our opinion that, strictly speaking, a man may not let in an iron air-brick, for example, to his front or back wall, or make a hole for a bell-wire at the street-door, without sending notice to the district surveyor, and paying such fee as may be ordered by the official referees. Section 13 says two days' notice shall be given before *any* matter or thing shall be done which by this Act is *placed under the supervision of the surveyor*, unless specially excepted. And schedule L. provides, that for *any* service performed by any surveyor, which is required by this Act, but not comprehended under the stated heads, such a fee is to be paid as the official referees may order, not exceeding *2l.*

There seems to be no doubt that wherever instructions are given in the Act for the performance of certain things, wherever a mode is prescribed for the execution of works, they are placed under the supervision of the surveyor, and he may demand notice and a fee. Relative, then, to fixing chimney-pots, tubes, funnels, or cowls, if *more than 4 feet above* the brick or stone-work of the flue, inasmuch as schedule F provides, that in that case they must be fixed at least 2 feet into the brick or stone-work of the flue, notice to the district surveyor (whose duty it is to see the provisions of the Act carried out) is required, and a fee may be demanded. Mr. Biers, in a letter to us on this subject (p. 45 *ante*), says, it cannot be admitted that the Act requires any notice to the district surveyor, and less so that any fee is payable if the directions be properly attended to. "I am borne out in this opinion," continues Mr. Biers, "upon reference to the amended Bill in the committee of the House of Commons, previous to the *amendments and alterations* proposed to the committee of the House, and assented to by them. In that Bill, among a great many other objectionable fees, was a fee specially set forth, of 10s. for inspecting chimney-pots, shafts, funnels, &c., above a certain height;" and which Mr. B. says, was expunged in consequence of the objections raised.

Taking out the special fee, however, while the clause remained that the fee for any service required by the Act and performed by any surveyor, not specified, should be appointed by the referees, did not get rid of its payment, but simply left open the question of "how much." Let us hope that the referees may name a fee for this, and similar trifling services, so low as to prevent just complaint. If, moreover, the enactment in question should lead to greater attention to the construction and arrangement of flues and fire-places, so as to obviate the necessity for unsightly and dangerous long pipes and cowls, it will, after all, do good service.

The steps to be pursued before taking down and rebuilding party-walls are matters in dispute, and shall have our early attention. Several cases are now before the referees, and will be decided in a few days. A letter on one of them will be found in another part of the present number.

An award of considerable importance has been recently made by the referees. Schedule K provides, with regard to back yards, or open spaces attached to dwelling-houses, that "every house hereafter built or rebuilt, must have an enclosed back yard or open space of at the least one square, exclusive of any building thereon, unless all the rooms of such house can be lighted and ventilated from the street, or from an area of the extent of at the least three-quarters of a square above the level of the second story, into which the owner of the house to be rebuilt is entitled to open windows for every room adjoining thereto." The builder of three houses at the corner of St. Martin's-lane and Cranbourn-street, thought that this provision did not require one square, or even three-fourths of a square, for *each* house, but that a building owner might, if he pleased, light and ventilate even three or more houses into an open area of only one square, and in this opinion he was supported by an eminent architect. The district surveyor, however, thought differently, and as at the houses in question the area left was only 17 feet 6 inches by 10 feet 7 inches, making little more than 1¾ square for the three houses, the works were stopped, and the case submitted to the referees.

Their award was, "that inasmuch as according to the plan which was submitted, the buildings are to have each a back yard, each such back yard must be of at the least one square, containing one hundred superficial feet, exclusive of any building thereon. And that if the site of the proposed back yards were occupied by buildings to the level of the third floor, then, inasmuch as the light and air would not have to descend so low, an area of three-quarters of a square, that is to say an area of seventy-five superficial feet, to each house instead of such back yards of one square each would suffice, but subject to the condition that the owner of every such house be entitled to open windows into such area for every such room adjoining thereto. And that if more than one of such houses be lighted and ventilated from one and the same area, then such area must consist of a space as many times greater than three-fourths of a square of 100 superficial feet, as there are more houses than one having rooms to be lighted and ventilated therefrom, subject as to every house, to the aforesaid condition, that owners thereof are entitled to open windows into such area for every room adjoining thereto."

The portion of schedule K which relates to *back yards*, and under which this award is made, seems obscure and defective, and the referees have doubtless decided according to what they believed was the intention of the legislature. By requiring an area of three-fourths of a square for *each* house, they ask no more than is necessary for health, but it is certainly doubtful whether the strict *words* of the schedule go so far. The requirement is, that every house must have an enclosed back yard or open space, of at least *one* square, *unless* all the rooms can be lighted and ventilated from the street, or from an area of at least three-quarters of a square above the level of the second story; but the schedule certainly does not *say* that this area shall be appropriated exclusively to this one house, any more than that the street should be. And before this award was made, we unquestionably should have urged, there was nothing in the schedule to prevent the erection of three or more houses, around an area equal to three-fourths of a square (inefficient as such an area would be), provided the other requirements of the schedule were complied with.

BRITISH ARCHÆOLOGICAL ASSOCIATION.—We have purposely omitted any allusion to the unfortunate differences which have arisen in the council of this association, hoping that a little consideration would lead to an adjustment, and knowing that every word that was printed would probably make this more difficult. The objects of the association are so excellent, and its organization so far advanced, that we should greatly lament to see its existence jeopardized by what is, after all, a mere personal dispute.

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